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FAX COVER SHEET

From: Theodore M. Green/vb

Date: February 25, 2005

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Re: Response to Restriction Requirement for
U.S. Utility Patent Application 10/635,310
INSECT BAIT
Our Ref: 5853-244

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(WP221746:1)

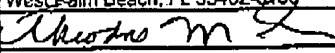
PTO/SB/21 (02-04)

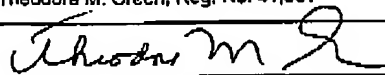
Approved for use through 07/31/2006, OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/635,310	
	Filing Date	August 8, 2003	
	First Named Inventor	Wamer et al.	
	Art Unit	1616	
	Examiner Name	Pak, John D.	
Total Number of Pages in This Submission	5	Attorney Docket Number	5853-244

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Response to Restriction Requirement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Theodore M. Green/Akerman Senterfitt/Reg. No. 41,801 P.O. Box 3188 West Palm Beach, FL 33402-3188	
Signature		
Date	February 25, 2005	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Theodore M. Green, Reg. No. 41,801	
Signature		Date February 25, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 0.00**Complete if Known**

Application Number	10/635,310
Filing Date	August 6, 2003
First Named Inventor	Warner et al.
Examiner Name	Pak, John D.
Art Unit	1616
Attorney Docket No.	5853-244

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
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☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 280	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)**SUBMITTED BY**

Name (Print/Type) Theodore M. Green

Registration No. 41,801
(Attorney/Agent)

(Complete if applicable)

Telephone 561.653.5000

Signature

Date February 25, 2005

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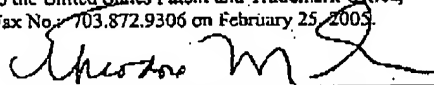
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.: 10/635,310 CONFIRMATION NO.: 8146
APPLICANT: Warner, et al.
FILED: August 6, 2003
GROUP ART UNIT: 1616
EXAMINER: Pak, John D.
ATTORNEY DOCKET NO.: 5853-244
CUSTOMER NO.: 30448

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FOR: Insect Bait

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Examiner issued a restriction requirement on February 10, 2005 in which the Examiner identified Group 1, claims 1-7 and 14-19 as being drawn to an insect bait composition; Group 2, claims 8-13, 20-25 and 27 as being drawn to an insect killer/bait method and composition including a toxicant; Group 3, claim 26 as being drawn to a method

U.S. Serial No. 10/635,310
Response Dated February 25, 2005
Response To Restriction Requirement Dated February 10, 2005

of controlling insects using an insect bait including a plurality of amino acids; Group 4, claim 28 as being drawn to a method of controlling insects using mimicked compositions from nectars and honeydews and Group 5, claims 29-32 as being drawn to a method preparing a granular insect bait.

In response to the non-final Office Action (hereinafter "the Action"), Group I, claims 1-7 and 14-19 are hereby elected with traverse.

It is respectfully submitted that the Groups I and II are interrelated such that there would not be an undue burden on the Examiner in examining these two Groups. Group II provides dependent claims directed to an insect bait. While a toxicant may be added, these claims include all of the claim features of the base claims such that a search for the subject matter of Group II would necessitate a search of the subject matter of Group I as well. For example, it is respectfully submitted that if claim 1 is found to be allowed, claim 8 must, by definition, also be allowed as it depends from claim 1 and includes all of the claim features of claim 1. Accordingly, Applicants respectfully request withdrawal of the restriction requirement between these two groups.

In regards to Groups III, IV and V are directed to methods of using insect baits. Again, as Group I is directed to an insect bait, it is respectfully submitted that a search for the insect bait would include methods of using these baits such that there would not be an undue burden on the examiner in searching these groups. Accordingly, Applicants respectfully request withdrawal of the restriction requirement between Group I and these three groups.

{WP221075:1}

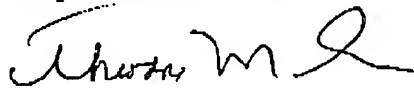
U.S. Serial No. 10/635,310
Response Dated February 25, 2005
Response To Restriction Requirement Dated February 10, 2005

It is respectfully submitted that this Response is a full and complete response to the Restriction Requirement of February 10, 2005.

No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Should the Examiner believe that anything further is necessary, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,



Date: February 25, 2005

Theodore M. Green
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222 Lakeview Avenue, Suite 400
West Palm Beach, Florida 33401-6183
Telephone: 561.653.5000

{WP221075;1}